

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

LINDA FAIRSTEIN,)	
)	
Plaintiff,)	
)	Case No. 20-cv-8042 (PKC)
v.)	
)	Judge P. Kevin Castel
NETFLIX, INC., AVA DUVERNAY, and)	
ATTICA LOCKE,)	
)	
Defendants.)	
)	

**DEFENDANTS' NOTICE OF MOTION AND MOTION
TO DISMISS FOR FAILURE TO STATE A CLAIM**

Notice is hereby given that Defendants Netflix, Inc., Ava DuVernay and Attica Locke respectfully move, pursuant to Fed. R. Civ. P. 12(b) (6), for an order dismissing with prejudice all claims asserted in Plaintiff's Complaint because they fail as a matter of law to state claims upon which relief can be granted. Defendants also request that the Court take judicial notice of the documents filed concurrently herewith in the Appendix of Additional Exhibits.

This Motion is based on this Notice of Motion, the Memorandum of Points and Authorities, the pleadings and papers filed herein, including the Exhibits and Appendix of Additional Exhibits, and upon such other and further matters as may be presented to the Court.

[SIGNATURES ON THE FOLLOWING PAGE]

Dated: December 18, 2020

Respectfully submitted,

/s/ Natalie J. Spears

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 18, 2020, a true and correct copy of the foregoing was served by CM/ECF on all counsel or parties of record on the service list

/s/ Natalie J. Spears